IN THE CLAIMS

This listing of claims replaces all previous listings of claims.

1. (Previously Presented) Polymorph IV of tiagabine hydrochloride that exhibits an X-ray powder diffraction pattern having characteristic peaks expressed in degrees 2 theta at 13.6, 14.5, 15.4, 16.2, 16.8, 23.0, 24.7, 26.0, and exhibits unit cell parameters as follows:

a= 10.788(3)Å $\alpha = 97.65(2)°$
b = 11.492(2)Å $\beta = 108.92(2)°$
c = 14.799(4)Å $\gamma = 101.86(2)°$
Vol = 1658.63 Å3.

2. (Previously Presented) Polymorph IV of tiagabine hydrochloride that exhibits an X-ray powder diffraction pattern having characteristic peaks expressed in degrees 2 theta at 4.46, 5.03, 5.48, 6.46, 7.46, 8.11, 8.35, 9.45, 10.29, 11.41, 11.94, 12.32, 12.91, 13.59, 13.83, 14.52, 14.82, 14.85, 15.36, 15.97, 16.26, 16.83, 17.85, 18.36, 18.59, 18.85, 19.25, 19.45, 20.36, 20.98, 21.59, 22.15, 22.49, 22.99, 23.67, 23.96, 24.75, 25.33, 25.62, 25.97, 26.43, 27.02, 27.48, 27.94, 28.16, 28.88, 29.63, 30.27, 30.87, 31.54, 32.11, 32.52, 32.96, 33.52, 33.89, 34.45, 35.33, 35.59, 36.02, 36.53, 36.77, 37.28, 37.75, 38.24, 39.12.

3. (Previously Presented) Polymorph IV of tiagabine hydrochloride that exhibits unit cell parameters as follows:

a= 10.788(3)Å $\alpha = 97.65(2)°$
b = 11.492(2)Å $\beta = 108.92(2)°$
c = 14.799(4)Å $\gamma = 101.86(2)°$

4. (Previously Presented) The tiagabine hydrochloride Polymorph IV of claim 1 having a particle size with volume mean diameter less than 20 microns.

5-8. (Cancelled)

9. (Withdrawn) A process for the preparation of crystalline tiagabine hydrochloride form IV comprising dissolving tiagabine hydrochloride in an organic solvent or a mixture of organic solvent and organic anti-solvent and adding a sufficient amount of organic anti-solvent to the solution to cause crystallization at a selected temperature wherein the selected temperature is such that form IV of tiagabine hydrochloride is crystallized.

10. (Withdrawn) A process as claimed in claim 9 wherein the organic solvent is dimethylformamide, the organic anti-solvent is toluene, and the selected temperature is 35 ± 10°C.

11. (Withdrawn) A process as claimed in claim 10 wherein the selected temperature is room temperature followed by cooling to 0 to 10°C for further crystallization.

12. (Withdrawn) A process as claimed in claim 9 wherein the tiagabine hydrochloride is dissolved in a mixture of dimethylformamide and toluene and a sufficient amount of toluene is added to cause crystallization at 35 ± 10°C.

13-15. (Cancelled)

16. (Withdrawn) A process for the preparation of crystalline tiagabine hydrochloride form IV comprising crystallizing tiagabine hydrochloride from a solution of tiagabine hydrochloride in an organic solvent or a mixture of organic solvent and organic anti-solvent wherein the solution is seeded with tiagabine hydrochloride form IV seed crystals.

17-18. (Cancelled)